

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6184

BILL NUMBER: SB 94

NOTE PREPARED: Jan 27, 2015

BILL AMENDED: Jan 22, 2015

SUBJECT: Statute of Limitations.

FIRST AUTHOR: Sen. Crider

FIRST SPONSOR: Rep. Cherry

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides that a rape charge otherwise barred by the statute of limitations may be brought within five years of the time that: (1) the state first discovers DNA evidence sufficient to charge the offender; or (2) a person confesses to the offense.

Effective Date: July 1, 2015.

Explanation of State Expenditures: Any increase in the number of cases that can be prosecuted due to these changes in the statute of limitations cannot be determined. Rape can be prosecuted as a Level 1 or Level 3 felony for crimes committed after July 1, 2014, or as a Class A or Class B felony for crimes committed prior to July 1, 2014. There is no statute of limitations on either Level 1 or Class A felonies. The statute of limitations on both Level 3 and Class B felonies is five years.

The following table shows the sentencing range for Level 3 and Class B felonies.

Sentencing Range				Expected Length of Stay*		
	Minimum	Advisory	Maximum	Minimum	Advisory	Maximum
Level 3	3 years	9 years	16 years	2.3 years	6.8 years	12 years
Class B	6 years	10 years	20 years	3 years	5 years	10 years
* Note: The expected length of stay assumes that offenders will receive 50% good time credit for Class B felonies and 75% for Level 3 felonies.						

The average expenditure to house an adult offender was \$19,497 in FY 2014. (This does not include the cost of new construction.)

If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,210 annually, or \$8.77 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$89,956 in FY 2014.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Sheriffs Office; Prosecuting Attorneys; Trial Courts with Criminal Jurisdiction.

Information Sources: Indiana Code; State Budget Agency.

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